

# THE Baldwin Law Firm LLC

Roy J. Baldwin, Esq. Samuel A. Leven, Esq.  
Rebecca M. Saracco, Esq. Nathaniel M. Baldwin, Esq.

March 18, 2014

Computer Crime Section  
Virginia Attorney General's Office  
900 East Main Street  
Richmond, VA 23219

**VIA FIRST CLASS MAIL**

Re: Possible Unauthorized Access to Personal Identifying Information

To Whom it May Concern:

My name is Samuel Leven, an attorney with The Baldwin Law Firm, LLC in Oakton, Virginia. By this letter, please consider this our firm's notice of possible unauthorized access to personal identifying information affecting a Virginia resident. As per the instructions given at [http://www.ag.virginia.gov/CCSWeb/Reports/Data\\_Breach\\_Notification\\_Req.pdf](http://www.ag.virginia.gov/CCSWeb/Reports/Data_Breach_Notification_Req.pdf), the relevant information is:

**1. A cover letter on official letterhead to the Virginia Attorney General's Office as notification of the breach.** Please consider this letter as fulfilling this requirement.

**2. Approximate date of the incident to include how the breach was discovered.** The incident occurred somewhere between March 14, 2014 and March 17, 2014. We learned of it when the party to whom we had mailed a thumb drive containing the relevant information informed us that the envelope appeared torn open and that while our cover letter was inside, the thumb drive was not.

**3. Cause of breach.** We are engaged in divorce litigation between [REDACTED], our client, and [REDACTED], his wife. As part of the litigation, we have retained Kathleen Sampeck as an expert witness to evaluate [REDACTED] ability to work. Ms. Sampeck requested that we provide her with copies of [REDACTED] discovery responses, which we are permitted by law to do. As a result, we uploaded those responses on a thumb drive and mailed them to Ms. Sampeck. Somewhere between mailing them from our address (listed on the letterhead) to Ms. Sampeck's receipt of the envelope in Fredericksburg, Virginia, the envelope became torn and the thumb drive came out. The thumb drive contained [REDACTED] s discovery responses, including her name, address, telephone number, driver's license number, and social security number. Nothing in the cover letter or file names, however, would indicate that this data was included, and based on our discussions with the post office, it appears it is most likely that the thumb drive was inadvertently torn through the envelope by a processing machine, rather than being stolen, and has likely been discarded. Nonetheless, we are making this report just in case that turns out not to be the case.

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**4. Number of Virginia residents affected by the breach.** One,

**5. The steps taken to remedy the breach.** Given that the breach was in the form of a lost or stolen thumb drive, there are very few options available to us to "remedy" the breach, as no general systems have been compromised. We are working with the post office to see if the thumb drive can be found and returned to us, but so far it has not been found. Further, we have informed [REDACTED] s attorney of the loss so that [REDACTED] can take whatever action she needs to protect herself.

**6. A sample of the notification made to the affected parties, to include any possible offers of free credit monitoring.** We are forbidden by the Virginia Rules of Professional Conduct from contacting [REDACTED] directly, so our notification was made to her attorney. A copy is attached. While our notification did not offer free credit monitoring, it is something we would be willing to provide if requested.

Please let me know as soon as possible if any further information is needed or if we are required (or, even if not required, requested) to take any further action.

Sincerely,



Samuel A. Leven, Esq.

enc.

## **Sam Leven**

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**From:** Sam Leven  
**Sent:** Tuesday, March 18, 2014 12:30 PM  
**To:** firm@aalaw.com  
**Subject:** - Missing Thumb Drive

Joyce,

I learned this morning that a thumb drive containing your client's discovery responses (including her social security number) has gone missing. I mailed it late last week to Ms. Sampeck at her request. She emailed me last night to report that the envelope had arrived in her mailbox, but it was torn and the thumb drive was gone, although my cover letter to her remained. There was nothing in that letter or on the thumb drive to indicate that this kind of data was on it. I went to the Merrifield Post Office this morning to look for it, but it was not among the thumb drives in their lost and found. The consumer affairs officer told me that the thumb drive was most likely knocked out of the envelope by a sorting machine, and that the drive was likely subsequently discarded.

Nonetheless, I wanted to let you know about this immediately so that your client can take any precautions she feels necessary. We are continuing to work with the Postal Service to see if they can recover the thumb drive, but it is most likely discarded and destroyed by now. We will also contact the appropriate authorities.

Please pass our apologies on to your client, and do let me know if you have any questions or concerns.

Sincerely,

*Sam*

Samuel A. Leven, Esq.  
Virginia State Bar #80612  
*The Baldwin Law Firm, LLC*  
2915 Hunter Mill Road, Suite 18  
Oakton, Virginia 22124  
Telephone: (703)281-0134  
Facsimile: (703)281-6385

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